



CRS Issue Statement on Border Security

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The terrorist attacks of September 11, 2001, launched an intense and extended examination of the nation's policies designed to defend against non-state threats to the homeland.

Border security is a component of the nation's homeland security strategy. This strategy involves a series of activities that apply a layered approach to securing the homeland by deterring, detecting, and preventing terrorist attacks at the earliest possible stages; protecting or "hardening" critical infrastructure against attacks; and preparing for and responding to attacks. Border security activities include not only those activities that take place at U.S. ports of entry, but also encompass *extra*-border activities, such as targeting and pre-inspection of U.S.-bound people and cargo in ports around the world; *cross*-border efforts between ports of entry; and *intra*-U.S. enforcement activities.

The overarching border security issue for Congress is how to balance two competing public policy goals: (1) the need to enhance border security with (2) an equally compelling requirement to facilitate legitimate trade and travel. This requires a sophisticated border management system that identifies and intercepts dangerous or unwanted (high-risk) people or goods, while facilitating access for legitimate (low-risk) travelers and commerce without excessive infringement on privacy or civil liberties. Another policy challenge is how to balance competing demands for resources, concentrating them on higher-risk areas while also providing security to lower-risk areas. A variety of legislative and oversight issues flow from this framework.

Passenger Screening, Immigration Enforcement, and Improving Infrastructure at Ports of Entry

A number of issues have been widely debated in the years since the 9/11 attacks. One such issue is the most effective way to identify and intercept high-risk individuals. To accomplish this, Customs and Border Protection (CBP) in the Department of Homeland Security (DHS) deploys resources to the ports of entry (POE), including its officers, the US-VISIT entry-exit control system, and detection systems. While the US-VISIT system was identified as "an essential investment in our national security" by the 9/11 Commission report, the exit component has yet to be implemented and its entry functions have yet to be deployed during primary inspection at land POE. This means that DHS has no easy way to identify those individuals who have overstayed their visas and remain in the United States illegally.

Other passenger screening issues include enforcement of Visa Waiver program requirements, the implementation of the Western Hemisphere Travel Initiative, and the continuing efforts to implement the integrated terrorist watch-list. Projected increases in the volume of people and goods flowing through the nation's ports of entry present added challenges to policy makers. Personnel, port design, and new technologies designed to inspect people and goods are particularly important issues due to the infrastructure and resource stresses that have arisen at POE.

Securing the Physical Border and Improving Infrastructure Between Ports of Entry

Effective border security entails promoting policies that can effectively manage the flow of people and goods crossing the border not only at POE, but also between POE. The main oversight issue will continue to be what the appropriate mix of technology, infrastructure, and personnel should be to detect and interdict illegal entries along the international land border. The operation of the Secure Border Initiative (SBI), the latest DHS effort to gain operational control of the land

borders, will continue to be of interest to Congress. Other issues concern the expansion of authorized and partly funded border fencing, including the acquisition of land for the fence; identification of where fencing should be constructed; and how best to balance environmental concerns with the prerogative to secure the border.

Drug-Related Violence along the Southwest Border

There has been a recent increase in the level of drug-related violence within and between the drug trafficking organizations (DTOs) in Mexico—a country with which the United States shares a nearly 2,000-mile border. Some estimates have placed the number of drug trafficking-related deaths in Mexico since January 2007 at nearly 10,000. In 2008, over 60% of these murders took place in three Mexican states bordering the United States: Baja California, Sinaloa, and Chihuahua. This violence has generated concern among U.S. policy makers that the violence in Mexico might spill over into the United States. Currently, U.S. federal officials deny that the recent increase in drug trafficking-related violence in Mexico has resulted in a spillover into the United States, but they acknowledge that the prospect is a serious concern.

In response to the possibility of violence spillover, the U.S. government is supporting Mexico's crackdown campaign against drug cartels in Mexico through the Mérida Initiative. It is also enhancing border security programs and reducing the movement of contraband (drugs, money, and weapons) in both directions across the Southwest border. Congress held a number of hearings on this issue in the first session of the 111th Congress, and the issue will continue to generate legislative activity throughout the course of the second session as Congress grapples with various policy responses to this issue.

Cargo and Container Security

The key question in the debate over cargo security is how an inspector can know what is inside a container. This involves: (1) breadth (what and how much should be inspected); (2) depth (intensity of the inspection); (3) jurisdiction (what entity is responsible for conducting the inspection); and (4) technology, such as cargo inspection technology, smart containers, biometric identification for transportation workers, and hazardous materials detection equipment. Debate has thus far focused primarily on containerized cargo, although the security of other forms of imported cargo has also been an issue. Other policy questions include whether or not each cargo container needs to be physically inspected, how to secure the areas through which the container passes, and how to secure the people who come in contact with containers.

Managing International and Private Sector Partnerships

Since 9/11, the United States has developed several initiatives that require the assistance of other governments or the private sector. These programs seek to “push back the border” to give U.S. agencies multiple opportunities to identify and intercept high-risk cargo and people, and to engage other countries and entities in security efforts that extend beyond the jurisdiction of the U.S. government. U.S. efforts include the Container Security Initiative (CSI), which provides the opportunity to inspect U.S.-bound containers in overseas ports, and the Customs-Trade Partnership Against Terrorism (C-TPAT), which encourages private entities to secure their supply chains from origin to destination, and advance manifest and entry data rules that mandate the submission of cargo information in advance of lading for security screening. As other countries and non-governmental organizations develop cargo and supply chain security initiatives, issues

will arise relating to the management of these new initiatives, such as reciprocity, standards, validations (conducted either by private third parties or other governments), funding assistance, and jurisdictional issues relating to inspections.

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